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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **(SAN JOSE DIVISION)**

14 TUNG X. NGUYEN

15 Plaintiff,

16 vs.

17 ROY GADRI dba Van Nuys Financial

18 Defendant.

) Case No.: C07-05281 JF

)

) **DECLARATION OF TUNG X. NGUYEN**
) **IN SUPPORT OF AN APPLICATION FOR**
) **DEFAULT JUDGMENT**

)

)

) Judge: The Hon. Jeremy Fogel

) Date: June 27, 2008

) Time: 9:00am

) Dept: Courtroom 3, 5th Floor

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19 DECLARATION OF TUNG X. NGUYEN

- 20 1. I make this declaration based on my own personal knowledge, except for those
21 statements based on information and belief, and as to those matters I believe them to be
22 true, and if called upon as a witness could and would testify thereto.
23 2. My name is Tung X. Nguyen and I am 59 years old.
24 3. I live at 3183 Summer Creek Drive, San Jose, California.
25 4. I was born and raised in Vietnam and I work as a lamination technician to support my
family.
5. On or about November 6, 2006, I received a letter from Van Nuys Financial requesting
that I pay \$22,685 for an outstanding balance with Citibank.

1 6. On or about November 8, 2006, I wrote a letter to Van Nuys Financial informing them
2 that I never had an account with Citibank.

3 7. On or about December 20, 2006 Van Nuys Financial served me with a Summons and
4 Complaint.

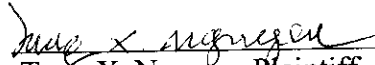
5 8. On or about February 21, 2007, Van Nuys Financial obtained a Default Judgment against
6 me.

7 9. On or about March 4, 2007, I received a "Lien Notice" in the mail.

8 10. As a result of the actions taken by Van Nuys Financial, from December 20, 2006 through
9 April 9, 2007, I suffered from anxiety. My anxiety was not merely on my own account,
10 but also for my wife (who cried from the stress and worry of possibly losing the house
11 during this period).

12 11. As a result of that anxiety, the amount of sleep I got each night decreased from about 7
13 hours, to about 4 hours each night. Also I suffered from severe headaches during that
14 time period on a nearly daily basis. I monitor my own blood pressure. During this period
15 my blood pressure went from the range of 117-125 to an average of 150. I attribute all
16 these problems to the stress I felt from having the lien placed on my house.

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18 I declare under penalty of perjury that the forgoing is true and correct and that this Declaration
19 was executed in San Jose, California on May 13, 2008.

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22 Tung X. Nguyen, Plaintiff
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